

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARCUS J. SMITH,)	
)	No. CV-11-3027-JPH
Plaintiff,)	
)	ORDER ADOPTING REPORT AND
v.)	RECOMMENDATION
)	
MICHAEL J. ASTRUE, Commissioner)	
of Social Security,)	
)	
Defendant.)	

Before the Court is the Report and Recommendation entered on September 27, 2012, ECF No. [30](#), recommending Defendant Michael J. Astrue's Motion for Summary Judgment, ECF No. [27](#), be granted. On October 11, 2012, Plaintiff Marcus J. Smith filed objections restating the same arguments raised in prior briefing, essentially asking the Court to re-weigh the evidence. ECF No. [31](#).

It is not the reviewing Court's function to re-weigh the evidence that was before the administrative law judge (ALJ). Reversal is appropriate only if the ALJ's decision was not supported by the evidence in the record as a whole or if the ALJ applied the wrong legal standard. See *Molina v. Astrue*, 674 F.3d 1104, 1110 (2012) (citing *Stone v. Heckler*, 761 F.2d 530, 531 (9th Cir. 1985)).

Having reviewed the Report and Recommendation, the Court adopts

1 the magistrate judge's recommendations in their entirety.

2 Accordingly, **IT IS HEREBY ORDERED:**

3 1. The Report and Recommendation, **ECF No. [30](#)**, is **ADOPTED in**
4 **its entirety.**

5 2. Defendant's Motion for Summary Judgment, **ECF No. [27](#)**, is
6 **GRANTED.**

7 3. Plaintiff's Motion for Summary Judgment, **ECF No. [25](#)**, is
8 **DENIED.**

9 4. Judgment is to be entered in Defendant's favor with
10 prejudice.

11 5. This file shall be **CLOSED.**

12 **IT IS SO ORDERED.** The District Court Executive is directed to
13 enter this Order and forward copies to the parties and Magistrate
14 Judge Hutton.

15 **DATED** this 16th day of October 2012.

16
17 S/ Edward F. Shea
18 EDWARD F. SHEA
19 Senior United States District Judge

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